

## Message Text

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PAGE 01 SANTIA 01599 292337Z

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ACTION ARA-20

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EO 11652: N/A

TAGS: CI, PINS

SUBJ: MIR TRIALS CONCLUDE

REF: SANTIAGO 1564

1. SUMMARY. MILITARY COURT IN TEMUCO TRIED ADDITIONAL ACCUSED MIRISTAS MARCH 28, FOR TOTAL OF 70 IN THREE-DAY SESSION. FAVORABLE INITIAL IMAGE CREATED BY SOME ACQUITTALS, RELATIVELY LIGHT SENTENCES, AND OPEN COURT (REFTEL) NOW OFFSET BY APPARENT LACK OF EFFECTIVE OPPORTUNITY FOR DEFENSE AND MASS-PRODUCTION NATURE OF TRIALS. END SUMMARY.

2. TEMUCO MILITARY COURT (CONSEJO DE GUERRA) IN THREE-DAY PERIOD MARCH 26-28, TRIED APPARENT TOTAL OF 70 ACCUSED MEMBERS OF OUTLAWED MOVEMENT OF REVOLUTIONARY LEFT (MIR). OF TOTAL, 11 ACQUITTED, ABOUT 17 CONVICTED BUT RELEASED ON BASIS TIME SERVED, REMAINDER SENTENCED TO TERMS FROM LESS THAN ONE YEAR UP TO 20 YEARS. NO RPT NO DEATH SENTENCES ASKED.

3. TRIALS WERE OPEN TO PRESS AND FAMILIES OF ACCUSED. MERCURIO CORRESPONDENT'S REPORT APPEARING MARCH 29 NOTED 23 TRIED IN FINAL TWO-HOUR SESSION OF COURT. AT BEGINNING OF TRIAL MARCH 26 "A PROBLEM WAS PRESENTED," IN THAT DEFENDANTS HAD NO LAWYERS. MILITARY PROSECUTOR REPROACHED MARXIST LAWYERS WHO FAILED TO COME

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PAGE 02 SANTIA 01599 292337Z

FORWARD TO DEFEND FELLOW MARXISTS. COURT THEN APPOINTED CIVILIAN

ATTORNEY WHO STUDIED CASES ONE DAY ONLY FROM 0800 TO 2400, THEN, ACCORDING TO EXPERT OPINION, ACTED "BRILLIANTLY" FOR DEFENSE. IN FACE OF FAILURE OF BAR TO COME FORWARD WITH ANY MORE DEFENSE LAWYERS, COURT APPOINTED ANOTHER ATTORNEY TO REPRESENT THE 23 ACCUSED TRIED IN THE TWO-HOUR SESSION OF MARCH 28.

4. ANOTHER MIR TRIAL WILL BE HELD POSSIBLY ACCORDING TO PRESS STORIES, AT THE END OF APRIL

5. MARCH 26 MILITARY TRIAL IN OSORNO OF SIX PERSONS WAS CLOSED, IN CONTRAST TO TEMUCO TRIAL, AND SECRET SENTENCES HAVE BEEN SENT TO APPROPRIATE MILITARY AUTHORITY FOR REVIEW. DEFENSE LAWYER IS REPORTED TO HAVE BASED HIS DEFENSE ON FACT FIVE OF SIX ARE MINORS OR WERE SO AT TIME OF CRIMES, AND ALLEGED CRIMES COMMITTED BEFORE SEPT 11, 1973, THUS RAISING AGAIN ARGUMENT THAT "TIME OF PEACE" APPEAL TO SUPREME COURT SHOULD BE PERMITTED (SEE SANTIAGO 1508).

6. COMMENT. TEMUCO TRIAL WAS ATTENDED BY AGENCE FRANCE PRESSE STRINGER WHO FILED STORY ON MARCH 26 SESSION, WHICH EMBASSY HAS NOT SEEN. AFP TELLS US REPORTER WAS ALLOWED TO ATTEND REST OF SESSIONS BUT TOLD BY MILITARY NOT RPT NOT TO WRITE ANY MORE STORIES ON TRIALS.

7. REPORTS OF PROCEDURES FOLLOWED OFFSET FAVORABLE PRELIMINARY IMPRESSION ON BASIS RELATIVELY RESTRAINED SENTENCING AND SOME ACQUITTALS EMERGING FROM FIRST TWO DAYS OF TRIALS. PROCESSING OF MASS OF DEFENDANTS IN TWO-HOUR OR EVEN THREE-DAY SESSIONS, WITH ONE OR TWO ATTORNEYS GIVEN ONLY HOURS TO PREPARE CASES REPORTED DEAD-PAN BY MERCURIO, HARDLY FULFILLS NORMAL PROCEDURAL REQUIREMENTS FOR DEFENDANTS. WITHOUT ACCESS TO ACTUAL CHARGES PRESENTED, EMBASSY CANNOT OF COURSE JUDGE WHETHER SENTENCES MERITED.

8. RUMORS CIRCULATING MARCH 29 THAT OSORNO COURT HAS DECREED TWO DEATH SENTENCES AND THAT THESE NOW BEING REVIEWED BY HIGHER MILITARY AUTHORITY.  
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